

# KANSAS PERSONAL AND FAMILY PROTECTION ACT

## OTHER PROHIBITED PLACES STATE, FEDERAL AND TRIBAL PROPERTIES

Since the last update to this document, the concealed carry unit (Unit) of the Attorney General's office has noticed some technical errors with this document. Additionally, the Kansas Legislature has re-codified the entire criminal code which now begins at K.S.A. 2011 Supp. 21-5101 *et seq.*

As you will recall, in 2010, the Legislature amended the Personal and Family Protection Act in many ways, including K.S.A. 75-7c10 and K.S.A. 75-7c11 (which was deleted after its provisions were rolled into 75-7c10). The general stance of those 2010 amendments is spelled out under the Summary of the 2010 Changes to Concealed Carry document found at:

<http://www.ksag.org>

Of further note, and which was not well reflected in the last submission of this document, were some changes to Federal laws and regulations which governed the possession of firearms on certain types of federal properties, specifically federal lands.

Hopefully this version will accurately reflect all of the above information so licensees and instructors can carry their concealed handguns without fear of violating the law – but licensees are strongly cautioned that they are under an affirmative duty to know the law of the jurisdiction where they are carrying their firearm because changes to the law can happen every year.

### **State office buildings (A.G. Posting required)**

As per K.A.R. 16-11-1, includes the interior of any of the following buildings:

- a) Those buildings named in K.S.A. 2011 Supp. 21-6309, and amendments thereto;
  - (1) K.S.A. 2011 Supp. 21-6309 prohibits firearms within the following;
    - (A) Any building within the State capitol complex [per K.S.A. 75-4514];
      - (i) the Docking building;
      - (ii) the Landon building;
      - (iii) the Curtis building;
      - (iv) the Eisenhower building;
      - (v) Memorial Hall
      - (vi) the Kansas Judicial Center; and
      - (vii) the State capitol;
    - (B) the Governor's residence;
    - (C) the buildings located on the grounds of the Governor's residence;
    - (D) any other state owned or leased buildings if firearms are prohibited by regulation and signs are posted informing of such prohibition; or
    - (E) any county courthouse (unless firearms are allowed by county resolution).
- b) all other state-owned or state-leased buildings in which firearm possession is prohibited by posting as provided in K.A.R. 1-49-11;

- (1) K.A.R. 1-49-11 states: “The provisions of K.S.A. 1992 Supp. 21-4218, as amended, with respect to possession of firearms shall apply to all state-owned or leased buildings in which the agency or agencies occupying the building have conspicuously placed signs clearly stating that firearms are prohibited within that building.”

**NOTE:** *Federal “facilities” or federal “court facilities,” the Governor’s residence and the grounds of (including any other buildings thereon) are OFF LIMITS to CCH licensees regardless of whether or not they are posted with appropriate A.G. ‘no concealed carry’ signage. See K.S.A. 75-7c10(e) & 2011 Supp. 21-6309(c)(5).*

#### **Federal Facilities (No A.G. Posting Required)**

18 U.S.C. 930 states that the possession of firearms, or causing a firearm to be present, in a federal facility or federal court facility will subject the individual to federal charges.

- a.) A “federal facility” is defined as, “a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.” 18 U.S.C. 930(g)(1).

For example: Post Offices; FBI branch offices, IRS branch offices, etc.

- b.) A “federal court facility” means, “the courtroom, judges' chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of the court clerks, the United States attorney, and the United States marshal, probation and parole offices, and adjoining corridors of any court of the United States.” 18 U.S.C. 930(g)(3).

#### **Federal Lands (No A.G. Posting Required)**

On February 22, 2010, carrying concealed weapons into units of “national parks and wildlife refuges in accordance with the laws of the state where the park or refuge is located” became lawful (Memorandum from National Park Service, September 21, 2009). However, 18 USC 930 still prohibits the carrying of firearms into buildings where park or refuge employees work, i.e., park or refuge visitor centers.

Units under the “National Park Service” are, among others, National Parks, National Monuments, National Preserves, National Historic Sites/Parks, National Rivers, National Memorials, National Recreation Areas and National Seashores. The above allowances and limitations apply equally at these locations.

Generally, federal lands managed under the Bureau of Land Management and National Forest Service, including, National Forests and National Wilderness Areas allow state laws to govern firearms. However, licensees must bear the responsibility of knowing the law of the jurisdiction where they are carrying.

A licensee is encouraged to call ahead to Land Management, Forest, Park or Wildlife Refuge officials to verify the rules for firearms possession and if there are any special circumstances or conditions the licensee will need to be aware of...such as buildings or other sites designated a “federal facility.”

Some helpful links include:

[http://www.nps.gov/fobu/parkmgmt/upload/imr\\_gunsparks\\_brochure\\_2-2010.pdf](http://www.nps.gov/fobu/parkmgmt/upload/imr_gunsparks_brochure_2-2010.pdf)

[http://www.nps.gov/news/upload/CLASSLST-395\\_08-28-11.pdf](http://www.nps.gov/news/upload/CLASSLST-395_08-28-11.pdf)

### **Corp of Engineers Land (No A.G. Posting Required)**

As a general matter, these lands are “no firearms allowed” as per federal regulation, 36 CFR 327.13, which states:

- (a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited unless:
  - a. In the possession of a Federal, state or local law enforcement officer;
  - b. Being used for hunting or fishing as permitted under § 327.8, with devices being unloaded when transported to, from or between hunting and fishing sites;
  - c. Being used at authorized shooting ranges; or
  - d. Written permission has been received from the District Commander
- (b) Possession of explosives or explosive devices of any kind, including fireworks or other pyrotechnics, is prohibited unless written permission has been received from the District Commander.

Licensees should always call ahead to Corp authorities (and/or State park authorities) to find out any such property boundaries so as to avoid crossing into such with their firearms. This is especially important as often times, Corp properties may abut or be found within State park areas (where carrying a firearm is allowed).

### **Casinos (Tribal casinos: No A.G. posting required. Non-tribal: A.G. Posting required)**

Pursuant to the Tribal Gaming Compacts, casinos located on tribal lands are areas where no firearms will be allowed to be carried by the general public or concealed carry licensees. Some non-tribal casinos have begun and will continue to develop throughout Kansas in recent years and beyond – those casinos will be governed by Kansas laws and licensees should be aware of any signage restricting their firearms access into the casino.

### **Tribal Lands (No A.G. posting required)**

As a general matter, tribal lands are independently governed by their own respective tribes and state laws have no effect upon tribal laws. It is our understanding that visiting licensees will be recognized so long as they are acting according to state laws. However, should a licensee be traveling onto tribal lands, it is always best to contact the local policing authority and inquire as to the proper manner of carrying a firearm.

### **State Race tracks (A.G. Posting Required)**

### **State Wildlife Areas and State Parks (Buildings: AG Posting required; Lands: Posting not allowed)**

Any park buildings will have to be posted in order to prohibit carry within those structures but state park lands are open for licensed concealed carry. K.S.A. 2011 Supp.

32-1002(c)(3), concealed carry licensees are now allowed to carry concealed while lawfully hunting, fishing or fur harvesting regardless of regulations that limit the carry of certain firearms during specific seasons.

Note: Also pending at the time of this writing is 2012 HB 2491 that would open up even further handgun carry while lawfully hunting, fishing and fur harvesting by extending the allowance to those without a CCH license.

Note: Again, Licensees need to be mindful of areas such as Corp of Engineer lands that are federal and off limits with no requirement of posting. Again, licensees are encouraged to call state park officials to be sure of these boundaries if they exist within that park.

**Governor's Residence** (NO A.G. Posting required)

**Grounds of (or other non-resident buildings there within) the Governor's residence** (NO A.G. Posting Required)